

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Terrestrial Use of the 2473–2495 MHz Band for)	IB Docket No. 13-213
Low-Power Mobile Broadband Networks;)	RM-11685
Amendments to Rules for the Ancillary Terrestrial)	
Component of Mobile Satellite Service Systems)	

To: The Commission

EIBASS *Ex Parte* Comments

1. Engineers for the Integrity of Broadcast Auxiliary Services Spectrum (EIBASS) hereby respectfully submits its *ex parte* comments in response to the February 9, 2015, *ex parte* filing of Wi-Fi Alliance to the IB Docket 13-213 rulemaking regarding the Terrestrial Low-Power Service (TLPS) and Advanced Wireless Service Band 5 (AWS-5).

I. Co-Channel, Licensed, 2.5 GHz TV BAS Again Ignored

2. The *ex parte* filing by the Wi-Fi Alliance, documenting a February 5, 2015, meeting at the FCC, somehow managed to ignore licensed, co-channel, TV Broadcast Auxiliary Service (BAS) operations at 2.5 GHz. All the more appalling since WiFi is an unlicensed, unprotected use of 2.5 GHz frequencies whereas TV BAS is a licensed, protected use. EIBASS can understand why Globalstar would find it advantageous to not acknowledge TV BAS, since co-channel frequency coordination is so much more difficult and challenging compared to mere adjacent-channel issues, but EIBASS is disappointed in the Wi-Fi Alliance, the National Cable Television Association (NCTA), the Wireless Internet Service Providers (WISP), and the Bluetooth Special Interest Group (BSIG) being parties to such shenanigans.

3. EIBASS notes that the "Attendees" list showed no representatives from the broadcasting industry, or from the Society of Broadcast Engineers, Inc. (SBE), or EIBASS. While EIBASS is all-volunteer and has no members in the Washington, DC, area, SBE certainly does. The National Association of Broadcasters (NAB) is also based in Washington, DC. There is additionally the Washington Executive Broadcast Engineers (WEBE), affiliated with SBE Chapter 37 (Washington, DC). WEBE is the volunteer BAS

EIBASS Ex Parte Filing to IB Docket 13-213
Terrestrial Low-Power Service/Advanced Wireless Services Band 5 (TLPS/AWS-5)

frequency coordinator for the area. How unfortunate that representatives for the co-channel, higher-priority, licensed service using 2,473–2,495 MHz (*i.e.*, TV BAS Channel A9 (2,467–2,483.5 MHz) and grandfathered TV BAS Channel A10 (2,483.5–2,500 MHz), were not present. It makes EIBASS wonder if the Wi-Fi Alliance, NCTA, WISP or BSIG are even aware of Section 15.5(b)¹ of the FCC Rules, or Part 74, Subpart F, TV BAS operations at 2.5 GHz (plus a few Part 101 mobile stations, used by Public Safety, just to keep things interesting).

4. EIBASS notes that the NCTA web site shows that Cox Communications belongs to that organization. The Commission's Cable Operation and Licensing System (COALS) shows Cox Communications Arizona as holding a Part 78 Community Antenna Relay Service (CARS) TV Pickup license, KA-80628, for 2,450–2,467 MHz, 2,467–2,484 MHz, and 2,484–2,500 MHz; that is, TV BAS Channels A8, A9 and grandfathered A10. The station is located in Maricopa County, AZ, which includes the city of Phoenix. EIBASS wonders how Cox Communications views a meeting in which NCTA participated, but managed to avoid mentioning a licensed and therefore higher priority radio service that one of its members hold, which would be subject to new interference from co-channel TLPS/AWS-5 operations.

5. Thus, EIBASS is once again submitting its rebuttal *ex parte* filing, reminding Globalstar, Part 15 WiFi users, and the Commission that broadcasters regularly use 2.5 GHz (including 2,483.5–2,500 MHz on a co-primary basis with the Mobile Satellite Service (MSS)). Another truthful set of spectrum diagrams is provided. All parties know, and need to acknowledge up front, that WiFi is an unlicensed, unprotected radio service. Whereas Part 74 TV BAS, and Part 78 CARS, and Part 101 Public Safety use of 2.5 GHz are licensed, protected services. We again believe that these proponents of WiFi are acting irresponsibly as they represent their spectrum requirements by providing spectrum charts that fail to show co-channel licensed operations.

II. Additional Testing Sites Proposed by Globalstar for its WH2XNQ Experimental Station Are Premature

6. EIBASS notes that on February 9, 2015, Globalstar filed to modify its WH2XNQ experimental license, to add testing locations at Chicago, the Washington DC area, and New

¹ Section 15.5(b) states that Part 15 users must not cause interference to any licensed user, and must accept interference from licensed users and other Part 15 users.

EIBASS Ex Parte Filing to IB Docket 13-213
Terrestrial Low-Power Service/Advanced Wireless Services Band 5 (TLPS/AWS-5)

York City (NYC). WH2XNQ currently only authorizes testing at San Carlos, CA. EIBASS notes that Globalstar (or its representative) has yet to contact the Northern California Frequency Coordinating Committee (NCFCC), to carry out its obligations under WH2XNQ Special Condition 2 (the "SBE Clause").

7. The proposed Chicago site is the Illinois Institute of Technology. The proposed NYC site is the Empire State Building. Two sites are proposed for the Washington DC area, one at Herndon, VA, at AT4 Wireless, a testing entity, and the other at the FCC headquarters building. Given that the IB 13-213 rulemaking is still an in-progress and contested rulemaking, EIBASS questions the propriety of requesting FCC headquarters for testing. EIBASS notes that all of these markets have grandfathered TV BAS Channel A10 stations, in addition to multiple non-grandfathered TV BAS Channel A9 stations. EIBASS also notes that Chicago TV Stations WGN-TV (Tribune) and WBBM-TV (CBS) suffered through many months of interference from an Open Range MSS Ancillary Terrestrial Component (ATC) base station operating 49 km away, at St. John, Indiana, until that co-channel operation was shut down.²

8. Thus, EIBASS submits that additional testing sites for WH2XNQ should not be authorized until Globalstar first completes its obligations for frequency coordination of its San Carlos testing. EIBASS notes that San Carlos, in the San Francisco Bay Area, also has a TV Station with TV BAS Channel A10 grandfather rights.³

² The Open Range MSS ATC operation was pursuant to Special Temporary Authority (STA) issued by the International Bureau, Call Sign S2115, File Number SAT-STA-20110106-0003. The Commission's Chicago Field Office investigated the interference complaint to grandfathered TV BAS Channel A10 operations in the Chicago market in 2011. Excerpts from the Enforcement Bureau March 25, 2011, Case Report, EB-11-CG-0015, include the following:

Interference is causing severe impact to the licensed users of 2.5 GHz BAS ENG Channel 10 in Chicago (2483.5-2,500 MHz). Signal was DFed and location in the city of St. John, In to tower (1026924).

This seven-digit number refers to the tower's Antenna Structure Registration (ASR); the ASR shows the tower coordinates as 41-27-01.7 N, 87-27-56.1 W, NAD83, with a height of 80.5 m AGL/294.8 m AMSL. Those coordinates are 49.6 km from the center of the 80.5-km radius WGN-TV/KQ8499 operational area, and are 49.3 km from the center of the also 80.5-km radius WBBM-TV/KB55028 operational area. It should have been patently obvious that an MSS ATC base station deep inside the operational area of a *co-channel* TV Pickup station would cause interference, as both SBE and EIBASS have been warning the Commission about for years.

³ TV Pickup Station KA35181, licensed to Station KPIX-TV, CBS, San Francisco, CA.

EIBASS *Ex Parte* Filing to IB Docket 13-213
Terrestrial Low-Power Service/Advanced Wireless Services Band 5 (TLPS/AWS-5)

III. Summary

9. EIBASS urges that the same model adopted for allowing Part 101 Fixed Service stations entry to the 7 and 13 GHz TV BAS bands be adopted for TLPS/AWS-5: Namely, no deployment within the operational area of a grandfathered TV BAS Channel A10 TV Pickup station. EIBASS would not, however, object to having a provision similar to Section 27.60 of the Miscellaneous Wireless Services rules applying to Lower 700 MHz Band A-block stations: Namely, if a "consent" letter is obtained from the grandfathered TV BAS Channel A10 TV Pickup licensee(s) for the desired market, then TLPS/AWS-5 deployments would be permitted. That is, if Globalstar can make a convincing case that it can manage frequency coordination between mobile/portable/itinerant devices on the same frequencies, at the same time, and in the same area, then permission to deploy should not be unreasonably withheld by the grandfathered TV BAS station. However, the burden of proof would be on Globalstar. In the event that operational area preclusion is not adopted, EIBASS urges that a Further Notice of Proposed Rulemaking be issued and completed before allowing deployment in grandfathered TV BAS Channel A10 markets, establishing reasonable safeguards to ensure no interference, or at least manageable interference, to co-primary, indefinitely grandfathered, and earlier-in-time TV BAS operations. EIBASS further hopes that by bringing attention to a meeting where all parties seemed to have had on spectrum regulatory blinders will ensure an accurate and complete docket record, and full compliance with the Commission's *ex parte* rules regarding any and all contacts with FCC officials.

EIBASS *Ex Parte* Filing to IB Docket 13-213
Terrestrial Low-Power Service/Advanced Wireless Services Band 5 (TLPS/AWS-5)

IV. List of Figures

10. The following figures have been prepared as a part of these IB Docket 13-213 *ex parte* comments:

1. An accurate (to scale) diagram of the 2.5 GHz band.
2. Spectrum diagram showing both TV BAS spectrum and Wi-Fi spectrum.

Respectfully submitted,

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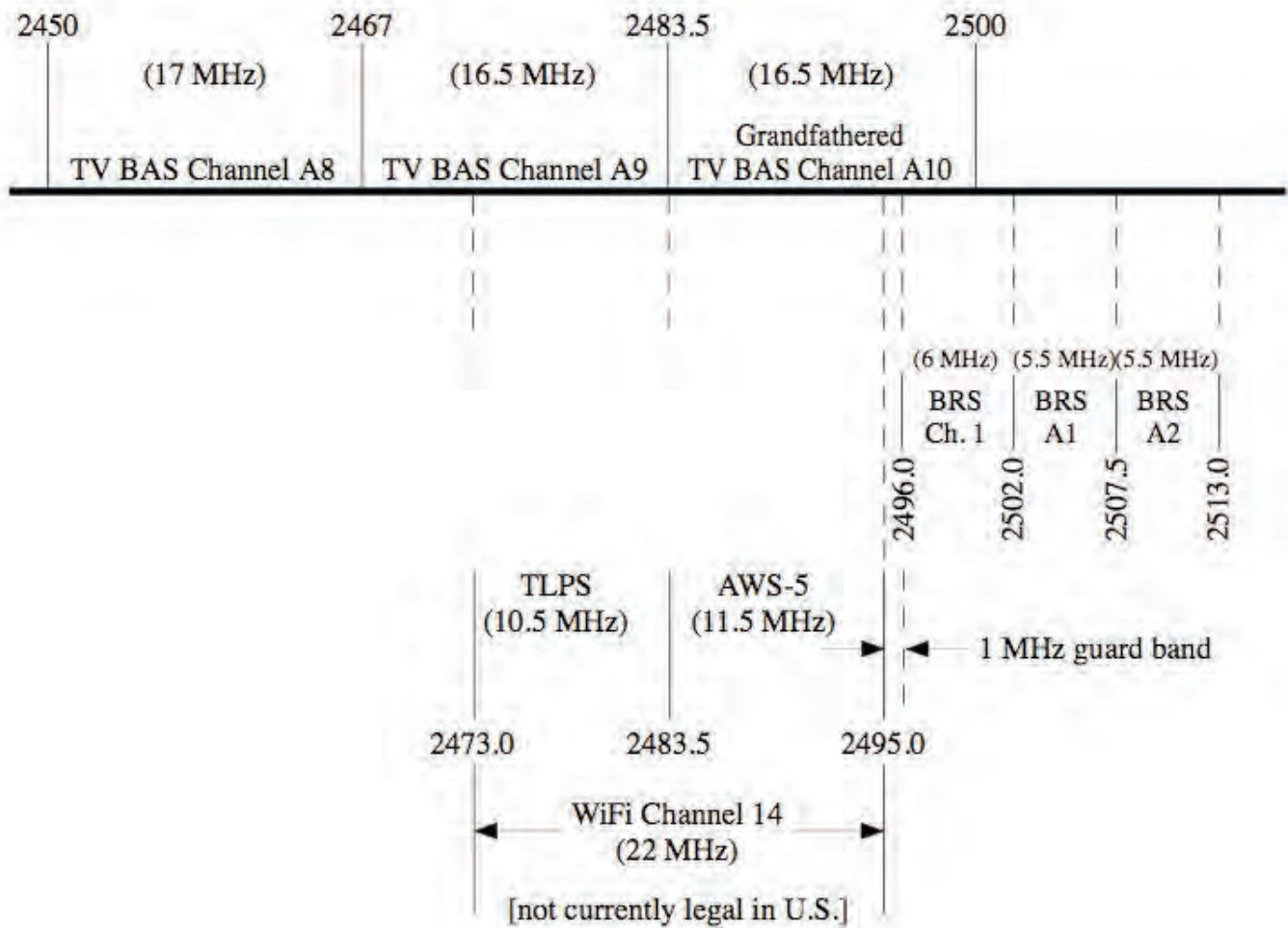
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**EIBASS *Ex Parte* Comments to IB Docket 13-213,
Terrestrial Low-Power Service/Advanced Wireless Services Band 5 (TLPS/AWS-5)**

2.5 GHz TV BAS Band



All frequencies are in MHz

**EIBASS *ex parte* Comments IB Docket 13-213: TLPS/AWS-5
Terrestrial Low Power Service/ Advanced Wireless Services Band 5**

2.4 GHz WiFi Channels, 2.5 GHz TV BAS Channels, and TLPS/AWS-5 (MSS ATC)

